

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

SIMON CHEFFINS and	)	
GREGORY JONES,	)	
	)	
Plaintiffs,	)	Case No.: 3:09-cv-130-RAM
vs.	)	
	)	
MICHAEL B. STEWART,	)	
	)	
Defendant.	)	MINUTES OF COURT
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MICHAEL B. STEWART,	)	
	)	
Counter-Plaintiff,	)	Thursday, August 9, 2012
vs.	)	
	)	
SIMON CHEFFINS and	)	
GREGORY JONES,	)	
	)	
Counter-Defendants.	)	
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PROCEEDINGS: JURY TRIAL - DAY NINE

PRESENT:

THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: Paris Rich Reporter: Kathryn French

Counsel for Plaintiffs: Paul Quade, Esq.

Counsel for Defendant: Keegan Low, Esq.

At 10:16 a.m., the Court convenes.

Mr. Quade is present with the Plaintiffs Simon Cheffins and Gregory Jones.

Mr. Low is present with the Defendant Michael Stewart.

Outside the presence of the jury, the Court confirms that it met earlier in Chambers with counsel to address the issue of whether or not a member of an LLC could bring a legal action individually without the LLC being named. The Court recites findings. **IT IS ORDERED, the counter claims as to nuisance and trespass are DISMISSED.**

The Court further confirms Jury Instructions (1 through 23) and two verdict forms that the Court intends to give in this matter were also addressed this date in Chambers and provided to counsel.

On behalf of the Plaintiffs, Mr. Quade recites objections the Court's intended Jury Instructions.

On behalf of the Defendant, Mr. Low recites objections to the Court's intended Jury Instructions.

The Court notes counsels' objections and recites findings. **IT IS ORDERED, the Jury Instructions shall remain unchanged.**

Mr. Quade presents the Plaintiffs' additional three offered jury instructions. The Court recites findings. **IT IS ORDERED, the Plaintiff's three offered jury instructions are rejected by the Court and shall be filed with the clerk.**

At 10:25 a.m., the Jury Instructions are settled in open Court.

At 10:29 a.m., the jury enters the courtroom. Counsel stipulate to the presence of the jury.

The Court advises the jury of earlier dismissal this date of the nuisance and trespass counter claims.

The Court instructs the jury.

At 10:49 a.m., Mr. Quade presents closing argument on behalf of the Plaintiffs.

At 11:43 a.m., the jury is admonished and excused until 1:00 p.m. this date. The Court stands at recess.

At 1:01 p.m., the Court reconvenes with the jury present. Counsel stipulate to the presence of the jury.

Mr. Low presents closing argument on behalf of the Defendant.

Mr. Quade presents rebuttal argument on behalf of the Plaintiffs.

CSO Gary Frankenhauser, CSO Mark Finch, and Law Clerk Emily Gust are sworn by the clerk to take charge of the jury.

The Court recites pre-deliberation statements to the jury.

At 1:47 p.m., the jury retires to deliberate.

The Court instructs counsel to provide contact numbers and remain in close proximity for return to the courtroom upon a phone call from the clerk.

At 1:49 p.m., the Court stands at recess subject to call of the jury.

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At 2:50 p.m., a note is received that the jury has reached a verdict. Counsel and the parties are contacted to return to the courtroom forthwith.

At 3:00 p.m., the jury enters the courtroom. Counsel stipulate to the presence of the jury.

The foreperson confirms a verdict has been reached. The verdict is published by the clerk.

***The jury finds Judgment is entered in favor of the Defendant and against the Plaintiffs on the Plaintiffs' claim of conversion.***

On behalf of the Plaintiffs, Mr. Quade requests the jury be polled, and the verdicts are unanimous.

**IT IS ORDERED, Judgment is entered in favor of the Defendant and against the Plaintiffs.** Separate Judgment shall issue.

The Court thanks the jury for their service and discharges them.

Outside the presence of the jury, counsel stipulate to the return to the respective parties of the non-admitted exhibits and the depositions previously written into the record. **IT IS SO ORDERED.**

The Court recites closing complimentary statements to counsel.

At 3:04 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich  
Deputy Clerk